

1  
2  
3  
4  
5  
6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

8 AMGEN INC.,

9 Petitioner,

10 v.

11 ALDER BIOPHARMACEUTICALS, INC.,

12 Respondent.

CASE NO. 19-mc-168RSM

ORDER DENYING MOTION FOR  
PARTIAL RECONSIDERATION

13  
14 This matter is before the Court on Alder BioPharmaceuticals, Inc.’s Motion for Partial  
15 Reconsideration of Order Granting Amgen Inc.’s Motion to Compel Production of Documents.  
16 Dkt. #17. For the following reasons, the Court denies the motion.

17 Amgen initiated this miscellaneous action to enforce compliance with a subpoena it  
18 issued to Alder for records relevant to an action pending in the Southern District of New York—  
19 *Novartis Pharma AG v. Amgen Inc.*, 19-cv-2993 (PKC) (S.D.N.Y.). The Court granted Amgen’s  
20 motion to compel and ordered Alder to begin producing documents by January 8, 2020. Dkt.  
21 #16.

22 After Amgen filed its motion to compel with this Court, Alder began the process of  
23 seeking an amendment to the protective order governing discovery in the underlying action. That  
24 protective order included “Confidential” and “Highly Confidential” designations and Alder

1 sought to add an “Outside Counsel Only” designation. Pursuant to Judge Castel’s practice, Alder  
2 submitted a December 24, 2019 letter requesting a pre-motion discovery conference and detailing  
3 its position. Dkt. #18-1. On December 30, 2019, Amgen responded with its own letter to Judge  
4 Castel setting forth its opposition to the requested amendment. Dkt. #18-2. On January 6, 2020,  
5 Judge Castel set a pre-motion discovery conference for January 8, 2020. Dkt. #18-3. Alder’s  
6 motion for reconsideration seeks relief from this Court’s January 8 deadline to allow time for an  
7 informal resolution at the pre-motion discovery conference or formal resolution by order of Judge  
8 Castel at some future date. Dkt. #17.

9 “Motions for reconsideration are disfavored.” LCR 7(h)(1). Consequently, the Court  
10 will “ordinarily deny such motions in the absence of a showing of manifest error in the prior  
11 ruling or a showing of new facts or legal authority which could not have been brought to [the  
12 Court’s] attention earlier with reasonable diligence.” *Id.* Alder does not challenge the legal basis  
13 for the Court’s prior ruling. Dkt. #17.

14 Alder also does not make an adequate “showing of new facts or legal authority which  
15 could not have been brought to [the Court’s] attention earlier with reasonable diligence.” The  
16 only new fact set forth by Alder is that Judge Castel has scheduled a pre-motion discovery  
17 conference for January 8, 2020. Alder does not point to any existing conflicts between orders of  
18 the courts. The Court certainly does not wish to step on Judge Castel’s toes, but also will not  
19 speculate how Judge Castel will resolve a dispute before him. Should a conflict arise between  
20 orders of the courts, the Court will address the conflict at that time. In fact, the Court may well  
21 defer to Judge Castel’s ruling based on his fuller understanding of the matter before him. But  
22 the Court will not act on the mere possibility of a conflict or to rescue Alder from any “untenable  
23 position” it caused by its failure to timely seek the protection it now insists is necessary.  
24

1 Accordingly, and having reviewed the motion, supporting documents, and the remainder  
2 of the record, the Court finds and ORDERS that Alder BioPharmaceuticals, Inc.'s Motion for  
3 Partial Reconsideration of Order Granting Amgen Inc.'s Motion to Compel Production of  
4 Documents (Dkt. #17) is DENIED without prejudice.

5 Dated this 7 day of January 2020.

6  
7 

8 RICARDO S. MARTINEZ  
9 CHIEF UNITED STATES DISTRICT JUDGE  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24